

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
Bianchi et al.)	Suzette J-J Gherbi
Application Serial No. 10/756,971)	Group Art Unit 3738
Filed January 13, 2004)	Ref. No. MSDI-546
OPEN INTERVERTEBRAL SPACER)	March 9, 2007

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated January 30, 2007, please enter and consider the following amendments and remarks. No extension fees are believed to be due with regard to the filing of this Response. However, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

March 9, 2007

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

March 9, 2007

Date of Signature

INTRODUCTORY COMMENTS

Claims 63 and 70-114 were pending in the subject application for the final Office Action. Claims 63, 70, 71, 75, 98-101, 103-107, 109 and 112 have been rejected under the judicially created doctrine of obviousness-type double patenting. Claims 102, 108, 110, 111, 113 and 114 have been objected to. In view of the following, reconsideration and allowance of the subject application are hereby requested.